

FILED

May 2 2007

Ed Smith  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA

IN RE THE PARENTING OF  
MASON A. RANZAU, a minor child.

SARAH J. RANZAU,

Petitioner,

v.

ROY J. MAYER,

Respondent.

PR06-0120

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CLERK OF THE SUPREME COURT  
STATE OF MONTANA

ORDER

On April 17, 2007, Petitioner Sarah J. Ranzau filed a *pro se* motion to remove Honorable David G. Rice, District Judge, for cause pursuant to § 3-1-805, MCA, in Hill County Cause No. DR-03-157.

Section 3-1-805(1)(b), MCA, provides that an affidavit of disqualification shall be accompanied by a certificate of counsel of record that the affidavit has been made in good faith. Such affidavit shall be deemed to not have been made in good faith if it is based solely on rulings in the case made by the challenged judge.

The affidavit in support filed by Ranzau is based entirely upon rulings made in the case by the challenged judge and, therefore, is deemed not to have been made in good faith.


We determine that Ranzau's motion does not establish personal bias.

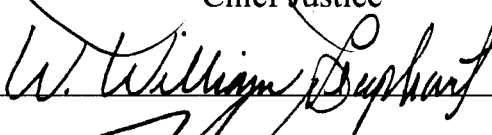
IT IS THEREFORE ORDERED:


1. Pursuant to 3-1-805(1)(c), MCA, the affidavit of disqualification is set aside as void.
2. Ranzau's motion to disqualify the district judge in Hill County Cause No. DR-03-157 is denied.

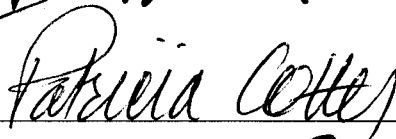
3. The Clerk is directed to mail a true copy hereof to the Clerk of the District Court of Hill County, Montana, for notification to counsel of record in DR-03-157 and to the Honorable David G. Rice, District Judge.

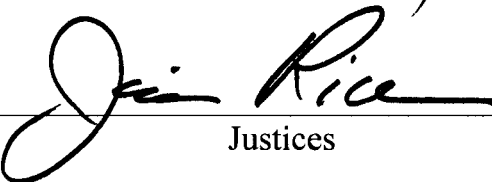
DATED this 2<sup>nd</sup> day of May, 2007.

  
Chief Justice







  
Justices